

Resolution

No. 25-216

PROPOSING AMENDMENTS TO THE CHARTER OF
THE COUNTY OF MAUI (1983), AS AMENDED,
RELATED TO STANDARDIZING DEADLINES
REGARDING VOTER INITIATIVE, RECALL, AND
CHARTER AMENDMENT

WHEREAS, the County Clerk is responsible for processing petitions submitted pursuant to Article 11 (Initiative), Article 12 (Recall), and Article 14 (Charter Amendment) of the Charter of the County of Maui (1983), as amended, in accordance with strict deadlines; and

WHEREAS, the deadlines for processing the three types of petitions are different and outdated, creating operational difficulties for the Office of the County Clerk; and

WHEREAS, the work required of the Clerk's office requires individually verifying thousands of signatures on petitions to determine whether the petition contains a sufficient number of apparently genuine signatures of voters, which work is conducted in election years, increasing the workload and staffing burdens during an extremely busy time; and

WHEREAS, utilizing the deadlines set in Section 11-4 of the Charter as a basis, the Clerk proposes to standardize and update the deadlines for processing all three types of petitions for increased operational efficiency and clarity amongst the voting public; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That, in accordance with Charter Section 14-1(1), it proposes that the following sections of the Charter of the County of Maui (1983), as amended, be amended to read as set forth in the attached Exhibit "1", with deleted material in brackets and new material underscored:

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2. That, in accordance with Charter Section 14-2(1), this Resolution be submitted to the voters of the County of Maui at the next General Election;
3. That the County Clerk prepare the necessary ballot for presentation to the voters at the next General Election;
4. That, in accordance with Charter Section 14-1(1), it proposes that the following question be placed on the next General Election ballot:

"Shall the Charter be amended, effective January 1, 2027, to standardize the deadlines related to the clerk's processing of petitions related to voter initiative, recall of elected officers or board or commission members, and charter amendments?"
5. That, in accordance with Charter Section 14-2(2), the County Clerk must publish the proposed amendment in this Resolution in its entirety in a newspaper of general circulation;
6. That the amendments proposed in this Resolution take effect on approval by a majority of the voters voting on the proposed amendment and on official certification of the result;
7. That, as authorized by Charter Section 14-4, the County Clerk must revise and publish in its entirety a revised Charter including amendments adopted in this Resolution and renumber provisions and cross-references as may be necessary by the approval of the revisions or amendments; and
8. That certified copies of this Resolution be transmitted to the Mayor and the County Clerk.

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee".

ALICE L. LEE

Exhibit 1

Section 11-5. Supplementary Petitions.

“1. In the event the initial petition contains insufficient valid signatures, it may be supported by supplemental signatures of voters signed in the manner required in section 11-3. Such supplementary signatures [shall] must be appended to the initial petition at any time within twenty days after receipt by the petitioners' committee of notification that the county clerk has certified the initial petition insufficient. If an individual who has signed the supplemental petition wishes to withdraw the individual's signature from the supplemental petition, written notice of the withdrawal must be filed with the county clerk within three days of the receipt of the supplementary signatures by the county clerk.

2. [The clerk shall within twenty days] Within thirty days after such supplementary signatures are filed, the clerk must make a like examination of them and [shall] must promptly issue a certificate as to their sufficiency. Such certificate [shall] must be sent to the petitioners' committee.

3. If a petition or supplemented petition is certified insufficient, or if a petition or supplemented petition is certified insufficient and the petitioners' committee does not elect to amend or request council review as provided hereinafter, the clerk shall promptly present the clerk's certificate to the council. The certificate shall then be a final determination as to sufficiency. Such determination, however, shall be subject to judicial review by a court of competent jurisdiction. A final judicial determination of insufficiency shall not prejudice the filing of a new petition for the same purpose.”

Section 12-4. Filing and Certification.

“1. Within thirty days after the filing with the clerk of the affidavit stating the name and office of the officer sought to be removed, all papers comprising a recall petition shall be assembled and filed with the county clerk as one instrument.

2. Within [twenty] forty-five days from the date of the filing of such petition, the county clerk [shall] must determine the sufficiency thereof and attach thereto a certificate showing the result of the clerk's examination. If the county clerk certifies that the petition is insufficient, the clerk [shall] must set forth in the certificate the particulars in which the petition is defective, and [shall] must return a copy of the certificate to the person designated in such petition to receive it.”

Section 12-5. Supplemental Petitions.

“1. In the event the initial petition contained insufficient signatures, such recall petition may be supported by supplemental signatures of voters signed in the manner required in section 12-3. Such supplementary signatures [shall] must be appended to petitions issued, signed, and filed as required for the original petition at any time within twenty days after the date of the certificate of insufficiency issued by the county clerk.

2. The county clerk [shall] must within [ten] thirty days after such supplemental petitions are filed make a like examination of them. If the clerk's examination [shall show] shows the same to be still insufficient, the clerk [shall] must return it in the manner described in section 12-4, and no new petition for the recall of the officer sought to be removed [shall] may be filed within one year thereafter.”

Section 14-1. Initiation of Amendments. “Amendments to this charter may be initiated only in the following manner:

1. By resolution of the council adopted after two readings on separate days and passed by a vote of six or more members of the council.

2. By petition presented to the council, signed by not less than ten percent of the voters registered in the last general election, setting forth the proposed amendments. Such petitions [shall] must designate and authorize [not less than three nor more than] three to five of the signers thereto to approve any alteration or change in the form or language or any restatement of the text of the proposed amendments that may be made by the corporation counsel.

Upon filing of such petition with the council, the county clerk [shall] must examine it to see whether it contains a sufficient number of apparently genuine signatures of voters. The clerk shall complete the examination of the petition within [fifteen] forty-five days.

The council shall then hold a public [hearing] meeting and shall determine whether the amendments proposed [shall] must be submitted to the voters for approval. The determination by the council to submit such proposed amendments to the voters [shall] must be by resolution adopted by a vote of five or more members of the council within forty-five days after the receipt of the petition.

3. By petition presented to the county clerk, signed by not less than twenty percent of the voters registered in the last general election, setting forth the proposed amendments. Such a petition shall designate and authorize [not less than three nor more than] three to five of the signers thereto to approve any alteration or change in the form or language or any restatement of the text of the proposed amendments which may be made by the corporation counsel.

Upon filing such petition, the county clerk shall examine it to see whether it contains a sufficient number of apparently genuine signatures

of voters. The clerk shall complete the examination of the petition within ~~[fifteen]~~ forty-five days.

When the petition has been determined sufficient by the county clerk, the county clerk ~~[shall]~~ must submit the proposed amendments to the voters of the County at the next general election.”